ANNUAL REPORT

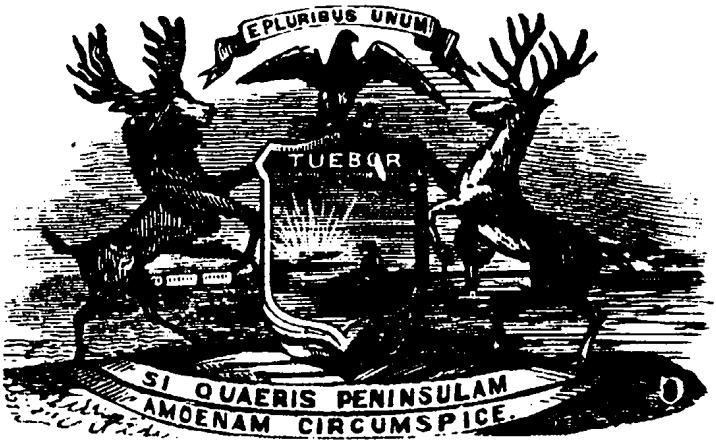
OF THE

ATTORNEY GENERAL

OF THE

STATE OF MICHIGAN,

FOR THE YEAR 1846.



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1846.

REPORT.

To the Legislature of the State of Michigan:

In pursuance of the provisions of law, the undersigned respectfully submits the following report:

A very large proportion of the business of this office for the past year, has consisted in the examination of questions submitted by the different departments of the State government, as to the proper construction of the statutes, relating to the duties to be by them severally performed. All questions thus submitted have been examined and opinions given in relation thereto.

There have been four suits commenced by me in behalf of the State during the past year as follows:

First. A suit in the name of the Treasurer against A. S. Porter, on a bond and mortgage given to secure the State stock issued by the State to the Ypsilanti & Tecumseh Railroad Company. There are several very important questions arising in this suit. It is pending in the court of chancery, and now stands on demurrer, ready for argument, and will be heard under the new revised statutes by the Supreme Court, at the term to be held in May next.

Second. Is a suit commenced by direction of the Auditor General and State Treasurer, against the Detroit & Pontiac Railroad Company, for the purpose of collecting the amount due on the mortgage held by the State on the road and franchises of that company. After a full examination of the laws having a bearing upon this mortgage, it was deemed advisable to commence a suit in the court of chancery, for the purpose of foreclosing the mortgage. The amount due is large, and the questions to arise in the progress of the cause are probably

as important as any ever discussed in the courts of this State. An injunction was obtained against the present lessees of the road from paying over the rent to the company. This cause also under the new revision, will be transferred to the Supreme Court, and will probably be heard on the demurrer now filed, at the May term of that court.

Third. This is a suit against the Oakland County Bank, also in chancery. This bank in October last failed to redeem its obligations, and made an assignment, and the bill was filed for the purpose of procuring a judicial forfeiture of the charter as well as to take the assets from the hands of the assignees and place them in the possession and under the control of an officer appointed by the court of chancery. A. S. Porter, Esq., was appointed the receiver, and has taken up, I understand, nearly or quite one-half of the circulation outstanding at the time of its failure. It is supposed the assets remaining in his hands will, when collected, be sufficient to take up the balance of the liabilities of the bank.

Fourth. This is a suit in chancery against the Macomb County Bank, for the purpose of obtaining a decree of forfeiture of the charter. It was instituted under the instructions of the Governor, and the ground of forfeiture insisted upon, is the entire suspension of all business for more than one year. The bank has had no public and known place of business, regularly kept open where those holding its notes and obligations could at all times present them for payment for some time.

The schedule marked "A," annexed to this report, contains the reports of the Prosecuting Attorneys of the several counties in this State, as far as they have been made to this office.

All of which is respectfully submitted.

HENRY N. WALKER,
Attorney General.

ATTORNEY GENERAL'S OFFICE,
Detroit, December 28th, 1846.

For appendix, see Joint Documents 1847,—State Library.